



THE UNIVERSITY OF THE WEST INDIES

EXAMINATIONS OF JULY/AUGUST 2002

CODE AND NAME OF COURSE: LA11B - CRIMINAL LAW II

DATE AND TIME:

DURATION: 2 HOURS

INSTRUCTIONS TO CANDIDATES: This paper has 2 pages and 6 questions.

Answer THREE (3) questions. Answers may be confined to the law of any jurisdiction in the Commonwealth Caribbean unless the context indicates otherwise.

1. Discuss TWO (2) of the following:

- (i) the 'reasonable man' in provocation;
- (ii) the *mens rea* of rape;
- (iii) indecent assault.

2. "There are as many views on the *mens rea* of murder as there are cases. The last 40 years have witnessed a sad inability of the courts to sort it out coherently and precisely."

Discuss.

3. Answer BOTH (a) AND (b)

- (a) "In relation to involuntary manslaughter, it is no longer necessary or helpful to make references to compensation or negligence."

Discuss.

- (b) Tommy and his friend Jimmy are fooling around with a gun. Tommy aims the gun in jest at Jimmy and pulls the trigger. The gun fires and Jimmy is killed.

Discuss.

P.T.O.

4. In a state of intoxication, Don, an alcoholic, took exception to remarks made by Alf about Delores, Don's ex-girlfriend. Consequently, Don hit Alf on the head with a heavy metal ashtray and killed him. Apart from his alcoholism, Don is suffering from severe depression.

Discuss.

5. Alan suspects his girlfriend, Jane, of having an affair with Clive. He goes to a bar and has just settled down to enjoy a lager when he spots Clive sitting alone. Alan goes over to Clive and throws his lager at him. Unfortunately, as he does so, he slips on a mat and the glass flies out of his hand and cuts Clive's face.

Later, Alan is playing darts when he sees Jane enter the bar and sit with Clive. Overcome by jealousy, Alan hurls the darts furiously onto a nearby table. One of them ricochets off and pierces Jane's eye.

Discuss.

6. Answer **EITHER (a) OR (b)**

- (a) Jim, the assistant manager of an electrical goods shop, fraudulently induced his manager to authorise the supply of goods, to a value of \$50,000, to Bertie, another rogue posing as a genuine shopper, in exchange for two worthless stolen cheques.

Consider whether Jim and Bertie have committed theft.

END OF QUESTION PAPER